

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRITE FINANCIAL SERVICES, LLC  
GERALD GRAYS and DALE RILEY,  
Individually and as class representatives,  
Plaintiffs,

Case No. 17-13516

v.

BOBBY'S TOWING SERVICES, LLC,  
ET AL.

Hon. Avern Cohn

Defendants.

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**ORDER REGARDING CLARIFICATION**

This case is before the Court on the Second Amended Complaint (Doc. 21) challenging Michigan's Vehicle Code, Act 300 of 1949, codified as MCL § 257.252 *et seq.*, which promulgates the manner in which "stolen" or "abandoned" motor vehicles are removed from public or private property by the City of Detroit, generally through the utilization of towing companies. The case has had a long and complicated history on the Court docket. Because it is unclear from the Court's view that plaintiffs' position properly identifies a class, or the relief plaintiffs seek, this order is entered. (See Ex. A.)

Within 20 days, plaintiffs shall file:

- A. A description, full text, of the class they propose the Court shall declare, and
- B. A draft of the final judgment that lists the declaratory and injunctive relief they seek should they prevail.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: 2/14/2019  
Detroit, Michigan

## **Exhibit A**

The “Relief Requested” in the Second Amended Complaint states:

WHEREFORE, on behalf of themselves and others similarly situated, BRITE FINANCIAL SERVICES, LLC, GERALD D. GRAYS AND DALE L. RILEY request the following relief:

- A. That this action be determined as proper to be maintained as a class action pursuant to Federal Rules of Civil Procedure 23(b), together with an order appointing the named Plaintiffs to represent the class and subclass and certifying Plaintiffs’ counsel to represent the class and subclass;
- B. Injunctive and declaratory relief as applicable and specified above;
- C. An award of damages, including all applicable interest, in the amount to be determined at trial;
- D. An award of costs of this suit, including reasonable attorney’s fees, as provided by 42 USC § 1988 or on other grounds;
- E. An award of an incentive fee to the named Plaintiffs for having the courage to come forward and challenge Michigan’s unconstitutional towing statutory scheme as well as the policies, customs and practices of Defendants;
- F. An award of punitive damages against Defendants as a result of their reckless and pervasive abuses of Plaintiffs’ constitutional rights as set forth herein; and/or
- G. Any other relief as necessary to redress the violation of Plaintiffs’ rights secured by the Constitution and laws.